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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR 09-875 DLJ
)	
12 Plaintiff,)	STIPULATION AND ORDER
)	
13 vs.)	
)	
14 DARIUS CHAPPILL,)	
)	
15 Defendant.)	
_____)	
16		

17 The above-captioned matter is set for February 19, 2010, before this Court for a change
18 of plea. The parties jointly request that this Court continue the matter to March 5, 2010, at 9:00
19 a.m. and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
20 and (B)(iv), between the date of this Stipulation and March 5, 2010.

21 Mr. Chappill is charged in a two-count indictment with interference with a flight crew
22 and assault. The parties have been in negotiations and anticipate a disposition of the case.
23 However, several legal and factual issues must be investigated and researched, and the parties
24 have not yet finalized their agreement. Additionally, counsel for the defendant has a memorial
25 service to attend on February 19, 2010, and must take a family member to a medical appointment
26 on February 26, 2010.

1 The requested continuance will allow the parties to research legal and factual issues, and
 2 to continue to work toward a disposition of the case. It will also allow for continuity of defense
 3 counsel. The failure to grant such a continuance would unreasonably deny continuity of counsel
 4 and deny counsel the reasonable time necessary for effective preparation, taking into account the
 5 exercise of due diligence.

6 The parties further stipulate and agree that the time from the date of this Stipulation to
 7 March 5, 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18
 8 U.S.C. §§ 3161(h)(7)(A) on the basis that the ends of justice are served by taking such action
 9 which outweigh the best interest of the public and the defendant in a speedy trial and also under
 10 subsection (B)(iv) for continuity of counsel and effective preparation of counsel, taking into
 11 account the exercise of due diligence.

12
 13 DATED: February 12, 2010 /S/
 14 JAMES MANN
 Assistant United States Attorney

15
 16 DATED: February 12, 2010 /S/
 COLLEEN MARTIN
 Assistant Federal Public Defender

18 ORDER

19 Based on the reasons provided in the stipulation of the parties above, the Court hereby
 20 FINDS:

21 1. The ends of justice served by the granting of the continuance from the date of this
 22 Stipulation until March 5, 2010, outweigh the best interests of the public and the defendant in a
 23 speedy and public trial because the parties must conduct legal and factual research, and because
 24 of defense counsel's unavailability on February 19 and 26, 2010.

25 2. The failure to grant the requested continuance would unreasonably deny
 26 continuity of counsel and would deny counsel the reasonable time necessary for effective

1 preparation, taking into account due diligence.

2 Based on these findings, IT IS HEREBY ORDERED that time is excluded under the
3 Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) from the date of this Stipulation to
4 March 5, 2010.

5 IT IS FURTHER ORDERED that the CHANGE OF PLEA date of February 19, 2010, at
6 9:00 a.m., before the Honorable D. Lowell Jensen, is vacated and reset for March 5, 2010 at
7 9:00 a.m.

8
9 DATED: February 12, 2010


HONORABLE D. LOWELL JENSEN
United States District Judge